

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Tonia Best Milner

Docket No. 5:07-CR-158-1D

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Tonia Best Milner, who, upon an earlier plea of guilty to Bank Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§ 1344 and 2, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on January 16, 2008, to the custody of the Bureau of Prisons for a term of 72 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Tonia Best Milner was released from custody on July 5, 2013, at which time the term of supervised release commenced. It is noted that the defendant was on 6 months home confinement through the Bureau of Prisons prior to her supervised release commencing. On March 14, 2016, a Violation Report was submitted advising that Milner was in arrears on her monetary obligation, but the probation officer did not consider this a willful violation. The defendant was instructed to continue to make monthly payments and become current with her monies due once she obtained employment. The court agreed to continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

As a condition of supervision, the defendant was ordered to pay restitution in the amount of \$605,843.45 (jointly and severally with codefendant Keisha Ann Thompson). Currently, a total of \$53,253.35 has been paid. Milner was ordered to pay \$150 per month with payments to begin on September 5, 2013. Since release, the defendant has consistently made monthly payments; however, she has not met the court ordered payment schedule. Investigation reveals that the defendant is not in willful violation. Milner continues to be the primary caretaker for her teenage son and elderly parents, who have health related issues; all reside in a lower economic area within the city limits of Wilson, North Carolina. She is taking on-line classes through Capella University, obtained a certification in contemporary theory in addictive behavior, currently taking classes to become certified in mental health disorders, and she is actively involved with a local substance abuse and mental health treatment agency, a nonpaid position. A recent financial statement was submitted to the Financial Litigation Unit, and they are not opposed to a reduction in her monthly payment. Milner will continue to make monthly payments although her case is due to expire on July 4, 2018. An Agreed Order for Payment is attached.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant's monthly monetary obligation is hereby reduced to \$50.

Except as herein modified, the judgment shall remain in full force and effect.

Tonia Best Milner
Docket No. 5:07-CR-158-1D
Petition For Action
Page 2

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street
Greenville, NC 27858
Phone: 252-830-2338
Executed On: June 6, 2018

ORDER OF THE COURT

Considered and ordered this 14 day of June, 2018, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
Chief U.S. District Judge